

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Ordinance Amending Billboard Regulations relative to cut-outs and provisions for agreements permitting reconstruction or relocation of billboards

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Matthew West **EXT.** 7353

Agenda Date <u>3/11/03</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input checked="" type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>		Public Hearing – 7:00 <input type="checkbox"/>	

MOTION/RECOMMENDATION:

1. Authorize staff to advertise the attached ordinance for public hearings as stated below, or
2. Continue this matter to a date and time certain.

(Countywide) (Matthew West, Planning Manager)

BACKGROUND:

At its meeting of May 22, 2001, the Board of County Commissioners (BCC) directed staff to prepare an ordinance to amend the Billboard regulations with regard to rules for cut-outs (temporary advertising embellishments) and with regard to language that would enable the BCC to enter into agreements concerning the removal and replacement of billboards. The current billboard regulations address size of billboard faces, but not the area, length or width of temporary embellishments that extend horizontally or vertically from the faces.

Also, the BCC wished to have the option to enter into agreements with billboard companies to remove existing billboards in exchange for the placement of new billboards elsewhere as long as the agreement was in the public interest. For example, the billboard company would remove 3 billboard faces in one area in exchange for 1 new face in another location. That type of agreement would effectively reduce the number of billboard faces overall in the County thereby benefiting the public in general.

Clear Channel Outdoor, represented by Lou Musica, is attempting to secure such an agreement with Seminole County at this time. To facilitate this discussion, staff is attempting to expedite the code revisions to allow such an agreement. The Clear Channel request

Reviewed by:
Co Atty: _____
DFS: _____
Other: _____
DCM: <u>SO</u>
CM: _____
bpd01

could be utilized as a test example of the agreement provisions. Mr. Musica proposes to remove 3 non-conforming billboards with a total of 6 faces in exchange for the placement of 1 new billboard with 2 faces on Interstate 4 near State Road 46. Two of the existing non-conforming billboards are located in the Fern Park area and the other non-conforming billboard is located along Interstate 4 near State Road 46. Staff believes that Mr. Musica has scheduled meetings with Commissioners regarding this proposal already. The proposal will be presented in greater detail at the meeting.

Since the agreement provisions of the ordinance are strictly voluntary, staff does not believe that the County would be subject to compensation claims by the billboard industry. Agreements are not mandatory or initiated by the County. A billboard company would have to initiate a request for an agreement. Therefore, last year's legislation that broadened the opportunities for the billboard industry to seek compensation for removal of billboards would not be applicable in this case.

If directed by the Board, staff will schedule the attached ordinance for the following hearing dates and times:

BCC First Hearing	March 25, 2003	7:00 p.m.
Planning & Zoning Commission	April 2, 2003	7:00 p.m.
BCC Second Hearing	April 22, 2003	1:30 p.m.

STAFF RECOMMENDATION:

Staff recommends that the BCC authorize the advertising and scheduling of the proposed billboard ordinance as contained in this report.

Attachments:

Cover Letter from Lou Musica to Don Fisher, dated August 27, 2002

Draft Ordinance



August 27, 2002

Don Fisher - Director
Planning and Development Department
Seminole County
1101 E. First St.
Sanford, FL 32771

Re: Seeking Development Agreement Approval. Application for Billboard Sign redevelopment.
Property Owner: Space Port USA, Inc.
Existing Sign Location: I-4 south side, .5 miles west of US 17-92.
Parcel # 20-19-30-300-004A-0000

Dear Mr. Fisher,

Clear Channel Outdoor (CCO) is seeking Development Agreement approval to reduce the number of billboard signs in the county. In accordance with Development Agreements, Section 25.4 Applicability, Seminole County Land Development Code. This is in concert with the Board of County Commissioners direction of May 22, 2001, where the goal was stated to reduce the number of billboards in the county.

All code references are made to the previous LDC, as there are no current guidelines in place governing billboard redevelopment. This proposal also conforms to F.S. Chapter 479.

The effect of this redevelopment will be:

Existing: 3 sign locations containing a total of 6 advertising faces.
Proposed: 1 sign location containing a total of 2 advertising faces.

Our redevelopment proposal includes the above detailed, CCO owned, non-conforming sign (containing **two** faces) will be removed to permit the erection of a new, structurally conforming sign (containing **two** faces) on nearby property also owned by Space Port USA, Inc. Two other non-conforming signs would be removed and not replaced. One is located on the south side of Fernwood Ave. and the other is located on US 17-92.

Description of 1st sign to be removed, on vacant property:

Location # 1
Road: I-4 south side .55 miles west of US 17-92
Height: 28' Construction: 6 Wood Poles
Faces: 2 Illuminated
Size: 14' x 48' Zoning M1-A
Property Owner: Space Port USA, Inc.

This sign to be removed, is non-conforming for the following reasons:

- 1) Supported on 6 Wood Poles, ordinance calls for one steel monopole.
- 2) Less than 2000' linear spacing from the nearest billboard on the same side of I-4
- 3) Less than 1000' radial spacing from the nearest billboard across I-4

Proposed Relocated Structure Details: Located on another Space Port USA, Inc. property, 1220' to the south. This movement satisfies the 2000' lineal spacing requirement:

Location # 2: I-4 south side .975 miles west of US 17-92

Height:	35' above crown of road	Construction:	Steel Monopole
Faces:	2		Illuminated
Size:	14' x 48'		Zoning M-1A
Front Setback:	25'		
Parcel #	20-19-30-5FL-0C00-0090		
Property Owner:	Space Port USA, Inc.		

This newly built Space Port sign (Loc # 2) will conform to all sections of the previous land development code except: Less than 1000' radial spacing from the nearest billboard across I-4.

2 Additional Signs to be Removed

Location # 3

Road:	US 17- 92 west side .5 miles n/o Maitland Blvd.		
Height:	35'	Construction:	6 Wood Poles
Faces:	3		Illuminated
Size:	One: 14' x 48' facing south	Zoning	C-2
	Two: 12' x 25' facing north (side by side)		
Parcel #	19-21-30-519-0B00-0260		
Property Owner:	Andre Hickman & Harold Miller		

Location # 4

Road:	Fernwood Blvd. South side .19 miles e/o US 17-92		
Height:	35'	Construction:	Steel Monopole
Faces:	2		Illuminated
Size:	12' x 25'	Zoning	C-2
Parcel #	17-21-30-510-0000-004B		
Property Owner:	Florida Jai Alai Inc.		

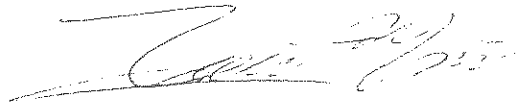
These 2 signs to be removed are non-conforming for the following reasons:

- 1) Location 3 has more than the allowable 400 sq. ft. (672 sq. ft.)
- 2) Location 3 is supported on multiple wood poles, ordinance calls for one steel monopole.
- 3) Location 3 is less than 2000' linear from the nearest billboard on the same side of 17-92
- 4) Location 4 has less than 1000' radial spacing from the nearest billboard

**These removals will additionally eliminate Seven (7) sign non-conformities.*

The county has approved similar rebuild scenarios in the past when a non-conforming sign was voluntarily rebuilt on the same property. All spacing regulations were waived under these circumstances, as the sign was required to conform to only size, height and construction standards.

Thank you,

A handwritten signature in black ink, appearing to read "Lou Musica", with a horizontal line drawn underneath it.

Lou Musica
Real Estate Representative
LouMusica@Clearchannel.com

Enclosures: Vicinity maps, Redevelopment plan, parcel detail pages from Property Appraiser

C: Andre Hickman, Space Port USA, Inc.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR LEGISLATIVE FINDINGS; AMENDING SECTIONS 2.3, 30.1249(a) AND 30.1250; RENUMBERING SECTION 30.1252 TO 30.1254; CREATING A NEW SECTION 30.1252; CREATING SECTION 30.1253; CREATING DEFINITIONS; PERMITTING USE OF CUT-OUTS ON OUTDOOR ADVERTISING SIGNS; PROVIDING STANDARDS FOR CUTOUTS; PROVIDING FOR USE OF AGREEMENTS TO ALLOW CONSTRUCTION, RECONSTRUCTION OR RELOCATION OF OUTDOOR ADVERTISING SIGNS; PROVIDING STANDARDS FOR OUTDOOR ADVERTISING SIGN AGREEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an Economic Impact Statement has been prepared and is available for public review in accordance with the provisions of the Seminole County Home Rule Charter; and

WHEREAS, the private property rights analysis relating to this Ordinance has been prepared and made available for public review in accordance with the requirements of the Seminole County Comprehensive Plan; and

WHEREAS, one incentive to encourage reduction in the number of old and unsightly outdoor advertising signs is to permit construction of new replacement outdoor advertising signs in exchange for the removal of four (4) or more existing outdoor advertising signs; and

WHEREAS, a lesser number of new and attractive outdoor advertising signs is of a superior public benefit than a greater number of older, unattractive outdoor advertising signs; and

WHEREAS, the public is benefited by re-location of outdoor advertising signs from residential and incompatible locations to areas which are more compatible with such signage; and

WHEREAS, the BCC may, pursuant to legal precedent from cases such as *City of Lake Wales v. Lamar Advertising Association of Lakeland, Florida* 414 So.2d 1030 (Fla. 1982) and *Lamar-Orlando Outdoor Advertising v. City of Ormond Beach*, 415 So.2d 1030 (Fla. 5th DCA 1982), regulate outdoor advertising signs based upon aesthetic concerns; and

WHEREAS, the BCC seeks to protect and preserve the character and appearance of Seminole County and maintain a positive and visually pleasing atmosphere for travelers on the various roadways throughout Seminole County, and

WHEREAS, the BCC desires to protect the property rights of owners of the outdoor advertising signs currently located in the unincorporated areas of Seminole County by allowing said signs to remain in place until they are voluntarily removed; and

WHEREAS, the BCC seeks to provide the opportunity to property owners to enhance the value of their outdoor advertising signs; and

WHEREAS, this Ordinance is deemed to be in the best interests of the health, safety, morals and welfare of the citizens of Seminole County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Legislative Findings. The above recitals represent the legislative findings of the Board of County Commissioners supporting the need for this Ordinance.

Section 2. Amendment of Section 2.3 of the LDC. Section 2.3, Land Development Code of Seminole County is amended to add the following definitions:

Board face: The standard flat area of an outdoor advertising sign, generally of a rectangular geometric shape, where an advertising message is displayed.

Cut-out: The portion of an outdoor advertising sign which protrudes or extends above, to the side of or outward from the board face.

Section 3. Amendment of Section 30.1249(a), LDC. Section 30.1249(a), Land Development Code of Seminole County is hereby amended to read as follows:

Sec. 30.1249(a). Limitations on outdoor advertising signs.

~~(a) Notwithstanding anything in the Seminole County Land Development Code to the contrary, from and after the effective date of sections 30.1249-30.1252, t~~The total number of outdoor advertising signs located in the unincorporated areas of Seminole County shall be limited as hereafter specified herein-, unless new outdoor advertising signs are constructed,

reconstructed or relocated pursuant to Section 30.1253 of this Code.

Section 4. Amendment of Section 30.1250, LDC. Section 30.1250, Land Development Code of Seminole County is hereby amended to read as follows:

Sec. 30.1250. Limitation on number, size and orientation of outdoor advertising sign faces.

In addition to the limitation specified in section 30.1249 above, there is hereby imposed a limitation upon the number, size and orientation of the sign faces located upon the existing structures. ~~From and after the effective date of sections 30.1249-30.1252,~~ The number of sign faces on an existing structure may not be increased, either by adding an additional face oriented in a different direction or by changing the display mechanism to permit the display of multiple signs on a single sign face. ~~From and after the effective date of sections 30.1249-30.1252,~~ No sign face on an existing structure may be increased in size and the orientation of each sign face located upon an existing structure may not be changed. The foregoing restrictions shall not apply to duly constructed cut-outs or to sign alterations conducted pursuant to an outdoor advertising sign agreement as authorized by Section 30.1252 of this Code.

Section 5. Renumbering and recreation of Section 30.1252, LDC. Section 30.1252, Land Development Code of Seminole County

is hereby renumbered as Section 30.1254 and a new Section 30.1252 is hereby created to read as follows:

Sec. 30.1252. Use of Cut-outs on Outdoor Advertising Signs.

(a) The use of cut-outs on outdoor advertising signs is permitted.

(b) The following criteria shall apply to the use of cut-outs on any outdoor advertising sign:

(1) Cut-outs may not increase the board face area by more than ten percent (10%).

(2) A cut-out may not extend more than five (5) feet above the top of any board face.

(3) A cut-out may not extend more than two (2) feet beyond either the right or left side of the board face.

(4) A cut-out may not extend below the board face.

(5) A cut-out may not protrude or project perpendicularly from the board face to any distance greater than:

(A) Three (3) feet on board face of 400 square feet or less;

(B) Five (5) feet on a board face of more than 401 square feet.

Section 6. Creation of Section 30.1253, LDC. Section 30.1253, Land Development Code of Seminole County is hereby created to read as follows:

Sec. 30.1253. Outdoor Advertising Sign Agreements.

(a) Outdoor advertising signs may be constructed, reconstructed, or relocated pursuant to an Agreement executed between Seminole County and the property owner and the outdoor advertising sign owner.

(b) No outdoor advertising sign may be permitted within three hundred (300) feet of any trail corridor, except for such signs, and reconstruction of such signs, which existed prior to the enactment of this section.

(c) Any outdoor advertising sign agreement should include removal of at least four (4) existing outdoor advertising signs in unincorporated Seminole County in exchange for one (1) sign to be reconstructed, constructed or relocated. The permit applicant must specify the location and number of outdoor advertising signs to be removed. For the purposes of this section, multi-vision signs shall be counted as one (1) sign per each advertising face displayed per vision cycle. Nothing set forth herein shall prohibit the BCC from entering an outdoor advertising sign agreement at an alternate sign-removal-to-sign-replacement ratio if such alternate ratio is determined to be in the best interest of the public.

(d) Notwithstanding anything to the contrary elsewhere in this Code, outdoor advertising signs may be permitted in any non-residential zoning district.

(e) No outdoor advertising sign agreement may be entered unless it includes a written waiver and release by the sign owner, the property owner, and any sign lessees, to any claim against the County to further compensation or reimbursement regarding removal of the specified outdoor advertising signs.

(f) There shall be at least one (1) public hearing with due public notice before the Board of County Commissioners regarding any proposed outdoor advertising sign agreement.

Section 8. Severability. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such section, paragraph, sentence, clause, phrase or word may be severed from this Ordinance and the balance of this Ordinance shall not be affected thereby.

Section 9. Codification. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Seminole County Land Development Code and that the word "ordinance" may be changed to "section", "article", or other appropriate word and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that sections 8, 9 and 10 shall not be codified.

Section 10. Effective Date. This Ordinance shall become effective upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this _____ day of _____, 2003.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE, CLERK
TO THE BOARD OF COUNTY
COMMISSIONERS

By: _____
DARYL G. MCLAIN, CHAIRMAN

KC 10/15/02 1/7/03 3/6/03 3/7/03
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